

REMARKS**Status**

Upon entry of amendments, Claims 1-4, 6-9, and 13-22 will be pending in this application. Claims 1-4 and 6-7 have been amended. Support for the amendments and new claims can be found in the original claims and throughout the specification. No new matter will be added upon entry of this amendment.

Claim 12 is withdrawn from consideration. Applicants reserve the right to rejoin Claim 12 according to the direction of MPEP 821.04.

Restriction and Species Election

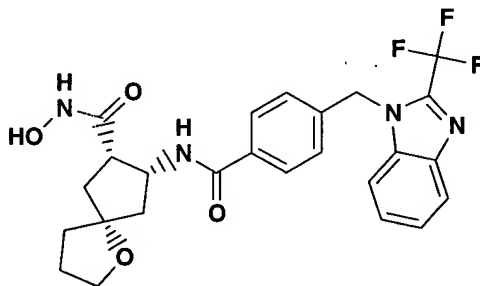
The Examiner has required restriction in the above-identified application and has divided the claims as follows:

Group I--Claims 1-9 in part, drawn to spirononane compounds as described in the Office Action;

Group II--Claims 1-9 in part, drawn to non-spirononane compounds as described in the Office Action;

Group III--Claims 10-12, drawn to methods of treating.

Responsive to the Office Action, Applicants provisionally elect for prosecution, with traverse, Group I and the species of Example 9, (5*R*,7*S*,8*R*)-*N*-hydroxy-8-[(4-{[2-(trifluoromethyl)-1*H*-benzimidazol-1-yl]methyl}benzoyl)amino]-1-oxaspiro[4.4]nonane-7-carboxamide. The structure of the elected species is shown below:



Claims 1-4, 6-7 and 13-22 are readable on the elected species.

Applicants understand that this is a provisional election for purposes of search and examination, and that, if the elected species is found to be allowable, applicant's claims

covering other disclosed species will be fully considered and examined. Applicants reserve the right to either rejoin claim 12 directed to the non-elected groups according to the direction of MPEP 821.04, or pursue the non-elected groups in a divisional application.

Applicants also traverse the restriction requirement for the following reason. The process claims are dependent upon the product claims thereby incorporating all the limitations of the product claims. Accordingly, no additional search would be required to find art relevant to the present invention. MPEP §803.01 addresses this situation as follows.

[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants assert that examination of the entire application would not pose a serious burden to the Examiner. Accordingly, the entire application should be searched.

§112 Rejections

The rejections of Claims 1-6 under 35 U.S.C. §112, 1st paragraph has been obviated by appropriate amendment. Withdrawal of this rejection is respectfully requested.

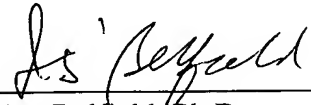
In view of the foregoing, Applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

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Respectfully submitted,

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